

## REMARKS

Favorable reconsideration of the above-identified application is requested in view of the following remarks.

Claims 1-40 are pending, with Claims 1, 14, 24 and 27 being independent. By this Amendment, claims 1, 14, 24 and 27 are amended. The Examiner is thanked for indicating that Claims 7, 8, 20, 21, 33 and 34 contain allowable subject matter.

Claims 1-3, 9, 11, 14-16, 22-29 and 35 are rejected under 35 U.S.C. §102(e) as being anticipated by Bates. Claims 4, 6, 10, 17, 19, 30, 32 and 36-40 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Honda (translation of Japanese Patent No. 09-025285A), hereinafter Honda. Claims 5, 18 and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Honda and further in view of Fujimoto et al. (U.S. Patent No. 5,930,385), hereinafter Fujimoto. Claims 12 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates in view of Adegeest (U.S. Patent No. 5,872,572), hereinafter Adegeest.

Independent Claim 1 now recites, a first color detection means for detecting colors of first image data by each processing unit, said first image data including data of a plurality of foreground objects and grouping all of the detected colors of the plurality of foreground objects in the first image data into groups, each group containing a grouping of approximately equal colors from the plurality of foreground objects. A second color detection means detects colors of second image data that serves as the first image data's background by each processing unit. The second image data has a plurality of different colors. Comparing means compares the approximately equal colors of each group to all the colors of the second image data

that are adjacent to the first image data of the group and specifies a single uniform adjusting color to be used for the group, that makes the first image data recognizable against all colors of the second image data that serve as the first image data's background.

The colors of a plurality of objects of the foreground (first) image data are grouped by their colors (approximately equal colors), and the colors of the foreground (first) image data are compared in each group with the color of the background (second) image data. Thus, when there are plural character images which appear as the same color on the background image such as a photographic image, the character images can be prevented from being converted to different colors.

Bates does not disclose grouping all the detected colors of the plurality of foreground objects in the first image data into groups, each group containing a grouping of approximately equal colors from the plurality of foreground objects and comparing, for each group, the approximately equal colors of the group to all the colors of the second image data that are adjacent to the first image data of the group, as recited in amended Claim 1.

As stated by the Examiner each foreground text object is a group of pixels having substantially the same color and accordingly, the foreground text objects represent grouping of text according to color. However, any alleged grouping in Bates does not include a group containing colors from a plurality of objects.

As discussed in paragraph [0055] of Applicant's published specification, the position information of circumscribing rectangles of all elements of the foreground image data are extracted. The color of the background image data that correspond

to the circumscribing rectangles is detected. (Applicant's claims are not limited by the embodiments described above.)

In Bates, the background object's color is determined at Step 307. Thus, Bates does not disclose comparing, for each group, the approximately equal colors of the group to all the colors of the second image data that are adjacent to the first image data of the group, as recited in amended Claim 1.

Independent claims 14, 24 and 27 are allowable for reasons similar to those discussed above with respect to independent claim 1.

The dependent claims are allowable for at least the reasons discussed above as well as for the individual features they recite. For example, dependent claim 4 recites a first memory means for storing the colors of the first image data by each of the approximately equal colors. Paragraph 4 of the Office Action asserts that Bates disclosed this feature in the first memory means 120. However, as discussed above Bates does not disclose groups containing a grouping of approximately equal colors from a plurality of foreground objects as in Applicant's amended claim 1. Thus, Bates does not store colors of the first image data by each of the approximately equal colors.

For the reasons stated above, it is requested that all the rejections be withdrawn and that this application be allowed in a timely manner.

Should any questions arise in connection with this application, or should the Examiner feel that a teleconference would be helpful in resolving any remaining issues pertaining to this application, the undersigned requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By: \_\_\_\_\_

  
Michael Britton  
Registration No. 47260

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620